

## **REMARKS**

Applicants respectfully requests reconsideration of the claim rejections set forth in the Office Action dated May 15, 2007.

### **Summary**

Claims 1 – 6 are currently amended.

Claims 7 – 16 are added. No new matter has been added as a result.

Claims 1 – 16 are currently pending.

### **Claims Rejections**

Claims 1 – 3 and 6 were rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Sakai (WO 01/41496) in view of Azima (U.S. Patent No. 6,522,760) and Shimakawa (5,894,263). Claim 4 was rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Sakai in view of Azima and Shimakawa and further in view of Sahyoun (U.S. Patent No. 6,460,651). Claim 5 was rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Sakai in view of Azima and Shimakawa and further in view of Bertagni (U.S. Patent No. 5,693,917).

Claim 1 recites an electroacoustic transducer comprising, *inter alia*, an elastic cushion member supporting the diaphragm that includes an elastic force that is partly varied, the elastic cushion member being formed on the base.

Sakai fails to disclose an elastic cushion member supporting the diaphragm that includes an elastic force that is partly varied, the elastic cushion member being formed on the base. The Examiner cites the elastic member 6b as the elastic cushion member. Sakai fails to disclose that the elastic member 6b includes an elastic force that is partly varied. In contrast, the elastic member 6b is shown in the illustrations as having a non-partly varied elastic force.

Shimakawa fails to disclose an elastic cushion member supporting the diaphragm that includes an elastic force that is partly varied, the elastic cushion member being formed on the base. Shimakawa teaches a rigid upper cylinder body

20a. A resilient body 21 "is secured to the upper end portion of the inner circumference of the upper cylinder body 20a" (col. 8, lines 13 – 15). As shown in Figures 7, 9, and 12, the resilient body 21 is not both formed on the base and supports the diaphragm. Shimakawa teaches one or the other. For example, as shown in Figure 12, the resilient body 21 may be formed on the base; however, the resilient body 21 does not support the second plate-like resilient body 10.

Azima fails to disclose an elastic cushion member supporting the diaphragm that includes an elastic force that is partly varied, the elastic cushion member being formed on the base. The Examiner does not rely on the teachings of Azima et al. for this limitation.

The cited references either in combination or alone fail to teach an elastic cushion member supporting the diaphragm that includes an elastic force that is partly varied, the elastic cushion member being formed on the base. Therefore, claim 1 is allowable over the cited references.

Claim 1 is also allowable over the cited references for an additional reason that is independent of the reason discussed above. Claim 1 is allowable because it would not have been obvious to one skilled in the art to combine the teachings of Shimakawa et al. and Sakai. Shimakawa et al. teach that the resilient body 21 is disposed outside of the upper cylinder 20a. Sakai teach that the cushion 6 is disposed in the "peripheral portion." The resilient body 21 and cushion 6 have very different purposes. The resilient body 21 "prevents the occurrence of abnormal sound caused by the yoke 18 coming into contact with the inner circumferential surface of the frame body 8" (col. 8, lines 59 – 61). Alternatively, "[t]o obtain a larger amplitude of the vibrating member 9, the outer peripheral part of the vibrating member 9 is fixed to the vibration transmitter 12 via the additional elastic member 6b" (page 6 of the PCT application).

Dependent claims 2 – 6 depend from an allowable base claim, so are allowable for at least this reason. Further limitations of the cited references are allowable over the

cited references. For example, the cited references fail to disclose the vibration controlling portion comprises holes formed in a portion of the cushion member, and an elastic force of the cushion member supporting the diaphragm is partly varied by the holes as recited in claim 4. Sahyoun teaches a contrary arrangement. Sahyoun teaches a hole made in a rigid outside frame. The outside frame is not a resilient body.

Also, the cited references fail to disclose the vibration controlling portion comprises a stepped portion formed in the portion of the base supporting the other side of the cushion member, and an elastic force of the cushion member supporting the diaphragm is partly varied by the stepped portion as recited in claim 5. Bertagni teaches a contrary arrangement. Bertagni teaches T-shaped member 78, which are not stepped as recited in claim 5.

### **New Claims**

Claims 7 – 16 are added. No new matter is presented as a result. Independent claims 9 and 11 recite features that are similar to those recited in allowable claim 1, so are allowable for reasons that are similar to those discussed above. Further limitations of claims 7 and 11 are allowable over the cited references.

Claim 9 recites a length of the elastic cushion member spanning from the diaphragm to the base forms a height of a vibration area. The cited references fail to disclose this feature. Each of the cushions spanning from the diaphragm to the base in the cited references does not form the height of a vibration area. For example, as discussed Sakai, the cushion member 6b is much shorter than a height of the vibration area. Therefore, claim 7 is allowable over the cited references for at least this reason.

Claim 9 also recites the elastic cushion member is a support for the diaphragm and base and includes an elastic force that is partly varied. The cited references fail to disclose the elastic cushion member is a support for the diaphragm and base and includes an elastic force that is partly varied. The cited references teach that a cushion that supports includes an elastic force that is constant. It would not have been obvious

to one skilled in the art to use a cushion having a partly-varied elastic force to support the diaphragm and base because it would have weakened the outer periphery of the vibrating structure. Therefore, claim 9 is allowable over the cited references.

Dependent claim 10 recites the length of the elastic arm spanning from the diaphragm to the base is greater than a height of the vibration-generating driving source. The cited references do not illustrate or teach the length of the elastic arm spanning from the diaphragm to the base is greater than a height of the vibration-generating driving source. Therefore, claim 10 is allowable over the cited references.

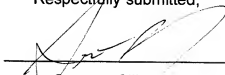
Independent claim 11 recites the one end of the diaphragm being supported on an elastic cushion member that is supported on a base, the base being substantially parallel to the plane diaphragm. The cited references fail to disclose or illustrate the one end of the diaphragm being supported on an elastic cushion member that is supported on a base, the base being substantially parallel to the plane diaphragm. Therefore, claim 11 is allowable over the cited references.

**Conclusion**

For at least the reasons presented above, the Applicant respectfully submits that the pending claims are in condition for allowance.

The Examiner is respectfully requested to contact the undersigned in the event that a telephone interview would expedite consideration of the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gustavo Siller, Jr.", is written over a horizontal line. The signature is fluid and cursive.

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